

REMARKS

In the Office Action, the Examiner stated that the above-identified United States patent application contains claims directed to the following patentably distinct species of the claimed invention: a vehicle having a suspension assembly for front wheels thereof as shown in Figure 2; a vehicle having a suspension assembly for front wheels thereof as shown in Figure 3; and a vehicle having a suspension assembly for rear wheels thereof as described on page 7, lines 5-8, of the specification. The Examiner required that Applicant elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Examiner stated that none of the claims are generic.

Applicant believes (1) claims 1-36 read on the species of Figure 2; (2) claims 5 and 17 read on the species of Figure 3; (3) and claims 13-24 and 31-36 read on the species of described on page 7, lines 5-8, of the specification.

Election

Applicant hereby elects the species of Figure 2, on which all of the claims are believed to be readable, for prosecution on the merits if no generic claim is held to be allowable.

Generic Claim

Applicant respectfully believes that the invention of claim 1 is generic to the species proposed by the Examiner. Under MPEP §806.04(d), a generic claim is defined to

include no material element additional to those recited in the species, and must comprehend within its confines the organization covered in each of the species.

This definition is then applied to permit “claims to more than one species in the same case” on the conditions that:

the generic claim cannot include limitations not present in each of the added species claims. Otherwise stated, the claims to the species which can be included in a case in addition to a single species must contain all the limitations of the generic claim.

Claims 1-36 are pending, and claims 2-36 depend directly or indirectly from claim 1. As such, claim 1 is clearly generic because it does not include limitations not present in each of claims 2-36 and, as claims that depend from claim 1, claims 2-36 inherently contain all the limitations of generic claim 1.

In view of the above, Applicant believes that the election of the species of Figure 2 includes independent claim 1 as a generic claim, and that all pending claims should be prosecuted on the merits if generic claim 1 is held to be allowable.

Finally, Applicant believes that the species of Figures 2 and the species described on page 7, lines 5-8, of the specification are not patentably distinct, but are obvious variants because, as stated at page 7, lines 9-10, "all the other features described above with reference to the front wheels are applicable to the rear wheels as well, according to the invention."

Closing

Should the Examiner have any questions with respect to any matter now of record, Applicant's representative may be reached at (219) 462-4999.

Respectfully submitted,



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